

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	Case No: 21-CR-623 (CRC)
	:	
v.	:	18 U.S.C. §111(a)(1)
	:	
MICHAEL ECKERMAN	:	
	:	
Defendant.	:	

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Michael ECKERMAN, with the concurrence of his attorney, agree and stipulate to the below factual basis for the defendant’s guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.
2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.
3. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States

Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the

crowd encouraged and assisted those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

ECKERMAN's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Michael ECKERMAN, traveled from Wichita, Kansas on January 5, 2021, to attend the “Stop the Steal” rally in support of former President Donald Trump. From January 5th to January 7th of 2021, ECKERMAN stayed at the Embassy Suites on Military Road in Washington, D.C. There, ECKERMAN and Person-1 met three other individuals, including Stefani Chiguer and Kirstyn Niemela, in the parking garage at the hotel. ECKERMAN and Person-1 joined these three people, and all five went together in the morning to attend the rally.

9. While at the rally, ECKERMAN was photographed standing together with Chiguer, Niemela, and a fourth person in a picture later posted on Facebook by another individual. ECKERMAN wore a tactical vest, neon yellow gloves, and a red ball cap.

10. After the rally, the group of five walked to the Capitol. ECKERMAN, Chiguer, and another individual in their group observed rioters fighting with police outside the Capitol at approximately 2:01 p.m. ECKERMAN became agitated and began yelling at the police that they were “traitors to the country” during this time. He then moved up and away from his group and got closer to the fighting. Chiguer filmed several scenes that day on her phone, including one of this assault and ECKERMAN’s reaction to it. ECKERMAN had to be pulled away from watching the fight.

11. While on the West Plaza, ECKERMAN witnessed rioters moving metal bike barricades and canisters of chemical irritants being deployed. He felt the effects of the chemical irritants and commented to others via text message a few days later, “that gas hurt I won’t lie.”

12. ECKERMAN, Chiguer, and Niemela (hereinafter, the “trio”) then walked through the scaffolding—after first walking through and under white sheeting designed to block access to that area—and ascended a set of exterior stairs leading from the West Plaza to the Upper West Terrace.

13. At approximately 2:24 p.m., the trio entered the Capitol through the Senate Wing Doors. One of the glass windows in those doors was broken. At the time they entered, the trio could see that other rioters were entering the building by climbing through broken glass windows on either side of the doors and could hear alarms blaring. Chiguer held onto ECKERMAN’s vest as the trio entered the building, as well as at other times when they were in a crowd of rioters.

14. Approximately one minute later, at 2:25 p.m., the trio—along with dozens of others—entered the Crypt and made their way toward the Memorial Doors. In the Crypt, a line of U.S. Capitol Police (“USCP”) and/or Metropolitan Police Department (“MPD”) officers tried to block the huge crowd from getting past them and further penetrating the Capitol. The crowd, including the trio, pushed their collective bodies forward and breached the police line.

15. The trio—along with dozens of others—surged forward and funneled toward the east side of the Capitol. Near the Memorial Doors, the trio and the mob encountered another small group of officers who were trying to block their access to the nearby stairs, which led up to Statuary Hall and the area near the Speaker’s Lobby.

16. At approximately 2:27 p.m., ECKERMAN pushed and wormed his way through the crowd of rioters to get to the front of the standoff between rioters and law enforcement officers, with Chiguer and Niemela following close behind. The crowd around the trio screamed at the officers, with one repeatedly warning, “We’re gonna go, bro. We’re gonna go.”

17. Approximately one minute later, the front of the mob—including ECKERMAN, with Chiguer holding onto his vest and Niemela following close behind—used their bodies to surge forward and force their way past the small line of law enforcement officers, including Officer K.Y. During this moment, ECKERMAN was face to face with USCP Officer K.Y. and agitated. Officer K.Y. put his hand on the defendant’s shoulder.

18. While Officer K.Y.’s hand was on his shoulder, ECKERMAN moved his body forward to forcibly resist, oppose, impede, and interfere with Officer K.Y. in this moment, which, along with the rest of the mob, caused Officer K.Y. to stumble down some steps

and fall to the ground. Another rioter subsequently sprayed Officer K.Y. in the face with a fire extinguisher. The trio thereafter ascended the now-accessible nearby stairs.

19. At approximately 2:30 p.m., the trio walked through Statuary Hall and to the Statuary Hall connector hallway of the Capitol, which leads to the House Chamber. Already present in this hallway were dozens of rioters standing behind a line of approximately ten U.S. Capitol Police officers guarding an entryway to the House Chamber. ECKERMAN saw police officers guarding this space from his vantage point approximately two rows back from the police line.

20. At approximately 2:36 p.m., rioters pushed forward against the police line and breached it. The mob, including the trio, then surged forward through a small corridor leading to the House Chamber. ECKERMAN witnessed rioters chanting “stop the steal” for several minutes.

21. After getting past the police line, the trio walked east down the Main Door Hall. At approximately 2:40 p.m., they entered the Rayburn Conference Room, which sits atop the East Plaza of the Capitol. While inside the room, the trio took a selfie photograph next to a portrait of George Washington.

22. At approximately 2:41 p.m., the trio exited the Rayburn Conference Room and walked towards the Speaker’s Lobby area of the Capitol. While walking in this area, ECKERMAN witnessed rioters banging and kicking doors.

23. The trio continued past the Southeast doors until they left the Capitol building through the East Front House door at approximately 2:44 p.m. In total, ECKERMAN spent approximately twenty minutes inside of the Capitol building.

24. After the trio exited the Capitol building, they watched as others exited and heard rioters shout that someone had been shot. They also continued to take photographs and record videos outside of the Capitol building. In one such video, ECKERMAN shouted, “I went all the way in, knocked over six cops...and they shot that girl.” Another video recorded by Chiguer captured ECKERMAN’s voice saying, “they’re fuckin’ scared of us. The real murderers are the fuckin’ media.”

25. ECKERMAN was also filmed by Freedom.com yelling about the shooting of Ashli Babbitt, during which he said, “I don’t know her name. All I know is that we went in there as patriots – she’s dead... these mother fuckers are traitors. They’re traitors.” Chiguer then pulled ECKERMAN away from the camera crew, and the trio left the area.

26. After ECKERMAN returned home to Kansas, he was part of a group text that included Chiguer, Niemela, and others that began on or around January 7, 2021. When Chiguer sent the group a video she recorded of the assault on MPD officers in the West Plaza that she and ECKERMAN witnessed at 2:01 p.m. on January 6, ECKERMAN responded, “that was a moment I didn’t want to hurt cops but those guys had dead eyes...those guys would kill everyone.”

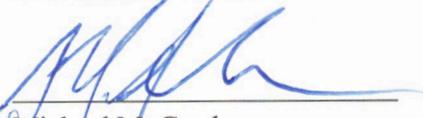
27. ECKERMAN knew at the time he entered the U.S. Capitol building that he did not have permission to enter the building. ECKERMAN obstructed, impeded, or interfered with law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder—specifically, the riot at the U.S. Capitol on January 6, 2021—which adversely affected commerce and the performance of a federally protected function.

28. When the defendant attempted to obstruct, impede, intimidate, and interfere with law enforcement officers inside the Capitol building and used his body to forcibly breach police lines, including the one at the Memorial Doors involving Officer K.Y., the defendant knew that the officers were engaged in the lawful performance of their official duties incident to and during the commission of a civil disorder. Furthermore, the defendant undertook these actions with the intent and for the specific purpose of furthering the civil disorder on January 6, 2021, which was designed to interfere with Congress's ability to certify the results of the 2020 presidential election.

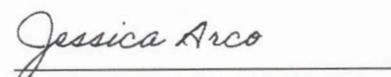
Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By:


Michael M. Gordon
Assistant United States Attorney

By:


Jessica Arco
Trial Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, Michael Eckerman, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

Date: 10-28-22

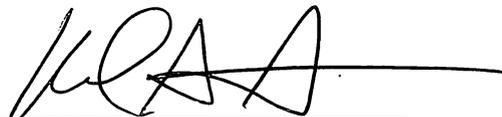


Michael Eckerman
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 10/28/22



Richard S. Stern
Attorney for Defendant